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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/820,368	04/07/2004	Satoru Yasutomi	02552CIP/LH	7691
1933	7590	05/10/2005	EXAMINER	
FRISHAUF, HOLTZ, GOODMAN & CHICK, PC			HASAN, MOHAMMED A	
767 THIRD AVENUE			ART UNIT	
25TH FLOOR			PAPER NUMBER	
NEW YORK, NY 10017-2023			2873	

DATE MAILED: 05/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	Application No. 10/820,368	Applicant(s) YASUTOMI ET AL.	
	Examiner Mohammed Hasan	Art Unit 2873	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 - 44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 - 44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 10/243,777.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/7/04, 7/6/04</u> | 6) <input type="checkbox"/> Other: ____  |

## **DETAILED ACTION**

### ***Oath/Declaration***

1. Oath and declaration filed on 7/6/2004 is accepted.

### ***Information Disclosure Statement***

2. The prior art documents submitted by applicant in the Information Disclosure Statement filed on 4/7/2004 and 7/6/2004 have all been considered and made of record (note the attached copy of form PTO – 1449).

### ***Double Patenting***

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1 – 20 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1- 20 of U.S. Patent No. 6, 747,809 B2 although the conflicting claims are not identical, they are not patentably distinct from each other because, the claims of the instant application are to a camera and the claims of the cited U.S. Patent 6,747,809 are to a lens barrel. It would have been obvious to claims 1-20, of U.S.Patent 6,747,809 will meet the limitations of claims 1-20, copending application 10/820,368, since lens barrel is moveable from a photographic position such as the wide angle position or the telephoto position to a collapsing position in which the zoom lens barrel is received in a camera body.

Claims 21- 44 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1- 24 of U.S. Patent No. 6,813,093 B2 although the conflicting claims are not identical, they are not patentably distinct from each other because, the claims of the instant application are to a camera and the claims of the cited U.S. Patent 6,813,093 are to a lens barrel. It would have been obvious, to claims 1-24, of U.S.Patent 6,813,093 will meet the limitations of claims 21-44, copending application 10/820,368, since lens barrel is moveable from a photographic position such as the wide angle position or the telephoto position to a collapsing position in which the zoom lens barrel is received in a camera body.

Claims 21 and 33 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 13 of U.S. Patent No. 6,813,093 B2 although the conflicting claims are not identical, they are not patentably distinct from each other because, the claims of the instant application are to

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a camera and the claims of the cited U.S. Patent 6,813,093 are to a lens barrel. It would have been obvious to claims 1 and 13, of U.S. Patent 6,813,093 will meet the limitations of claims 21 and 33, copending application 10/820,368, since lens barrel is moveable from a photographic position such as the wide angle position or the telephoto position to a collapsing position in which the zoom lens barrel is received in a camera body.

Regarding claim 22, Takagi et al discloses claimed limitations in claim 2.

Regarding claim 23, Takagi et al discloses claimed limitations in claim 3.

Regarding claim 24, Takagi et al discloses claimed limitations in claim 4.

Regarding claim 25, Takagi et al discloses claimed limitations in claim 5.

Regarding claim 26, Takagi et al discloses claimed limitations in claim 6.

Regarding claim 27, Takagi et al discloses claimed limitations in claim 7.

Regarding claim 28, Takagi et al discloses claimed limitations in claim 8.

Regarding claim 29, Takagi et al discloses claimed limitations in claim 9.

Regarding claim 30, Takagi et al discloses claimed limitations in claim 10.

Regarding claim 31, Takagi et al discloses claimed limitations in claim 11.

Regarding claim 32, Takagi et al discloses claimed limitations in claim 12.

Regarding claim 34, Takagi et al discloses claimed limitations in claim 14.

Regarding claim 35, Takagi et al discloses claimed limitations in claim 15.

Regarding claim 36, Takagi et al discloses claimed limitations in claim 16.

Regarding claim 37, Takagi et al discloses claimed limitations in claim 17.

Regarding claim 38, Takagi et al discloses claimed limitations in claim 18.

Regarding claim 39, Takagi et al discloses claimed limitations in claim 19.

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Regarding claim 40, Takagi et al discloses claimed limitations in claim 20.

Regarding claim 41, Takagi et al discloses claimed limitations in claim 21.

Regarding claim 42, Takagi et al discloses claimed limitations in claim 22.

Regarding claim 43, Takagi et al discloses claimed limitations in claim 23.

Regarding claim 44, Takagi et al discloses claimed limitations in claim 24.

### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammed Hasan whose telephone number is (571) 272-2331. The examiner can normally be reached on M-TH, 7:00 AM to 5:30 PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Epps can be reached on (571) 272- 2328. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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MH  
April 28, 2005

  
Georgia Epps  
Supervisory Patent Examiner  
Technology Center 2800